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EXAMINER

TERMANINI, SAMIR

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/825,171	Applicant(s) MARTINEAU ET AL.	
	Examiner SAMIR TERMANINI	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

BACKGROUND

1. This Nonfinal Office Action is responsive to the following communications: Request for Continued Examination (R.C.E.) filed on 1/9/2009.

2. Claims 1, 4-6 and 9-18 are pending in this case. Claims 15-18 are new. Claims 1 and 6 are in independent form.

RESPONSE TO AMENDMENT

2. Arguments (filed on 1/9/2009) concerning the Examiner's Rejections made under 35 U.S.C. §102(b) in the previous Office Action (Mail dated: 12/12/2008) have been fully considered but are not persuasive. The rejections are being maintained for the reasons set forth below

3. Arguments (filed on 1/9/2009) concerning the Examiner's Rejections of claims 5 and 10 made under 35 U.S.C. §103(a) in the previous Office Action (Mail dated: 12/12/2008) have been fully considered but are not persuasive. The rejections are being maintained for the reasons set forth below.

CLAIM REJECTIONS-35 U.S.C. §102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 4, 6-9, and 11-18** remain rejected under 35 U.S.C. 102(b) as being anticipated by *Dovin et al.* (US Pg-Pub 2003/0018665 A1).

I. Citation of Prior Art

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples¹. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art². Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed.

II. Prior Art Anticipation of Claimed Limitations.

As to independent **Claim 1**, *Dovin et al.* describe(s): a method of presenting network object hierarchy information in a network management tool ("...a user of client 104 utilizes the web browser 106 for transmitting a request for a web page 108, which is identified by a Uniform Resource Locator (i.e., "URL"), over the communications network 102 to web server 114....," para. [0029]), the network management tool for use in managing a communication network having a hierarchy of network objects ("...The depth-emphasizing navigation structure depicts a hierarchical path through the information space from broader categories through more narrower categories through to a final

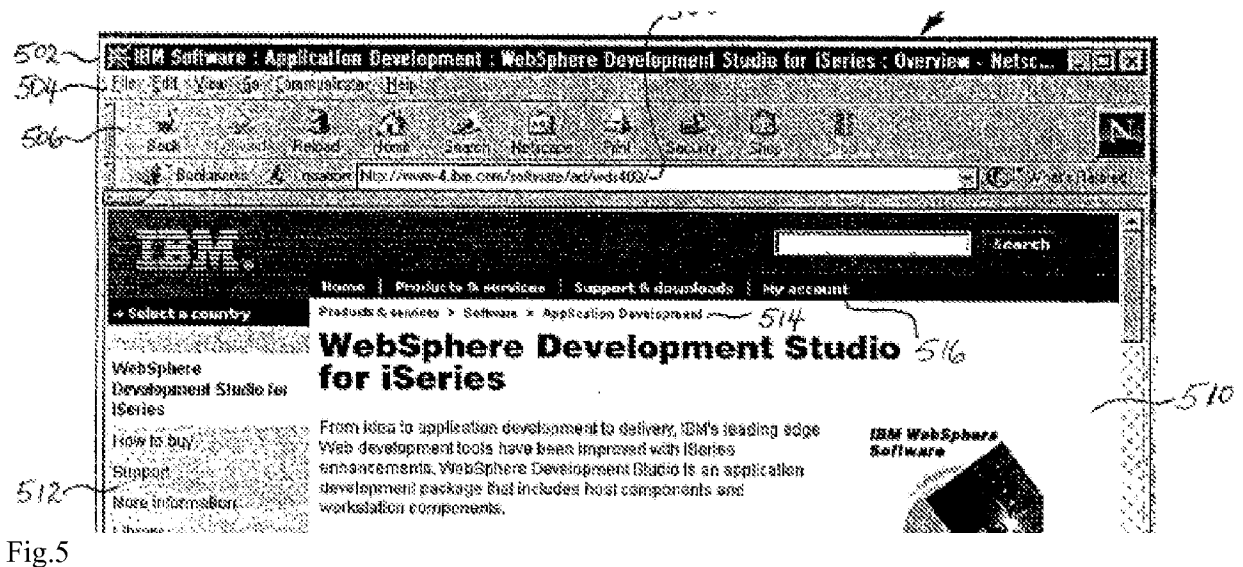
¹ *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968).

web page, i.e., displaying links from a home page of the Website through a plurality intermediary web pages representing categories (i.e., child web pages) to the current page (i.e., also a child web page) atop the current web page as breadcrumbs, i.e., breadcrumb navigation....," para. [0004]), the method comprising the steps of: displaying status information of a displayed network object on a terminal ("...The displayed web page 510 ...," para. [0042]), the displayed network object having at least one higher-level network object within the hierarchy ("...depicts all top levels of the Website ...," para. [0004]); displaying an ordered series of a plurality of buttons on the terminal ("...breadcrumb navigation trail 514 ...," para. [0042]), each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object ("...since the last page represents a web page that is currently displayed....," para. [0005]), the series including at least a displayed network object button corresponding to the displayed network object ("...storing breadcrumbs associated with web pages downloaded to the web browser at the client, updating the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of breadcrumbs associated with navigation of the web pages at the Website; and displaying the breadcrumb navigation trail on each downloaded web page for user selection....," para. [0015]); displayed network object, the series further including a root button corresponding to a root object of the hierarchy; when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, ("...If desired, the breadcrumb navigation trail may maintain all breadcrumbs regardless of whether a breadcrumb already appears ...," para. [0030]) displaying a number of buttons less than the number of network objects within the hierarchy

² *Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi*, 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1

between the root object and the displayed network object inclusive ("subtracting the last visit date and time from the current date and time and determining whether this result is greater than the revisit time. If the result is greater than the revisit time, the user is prompted at step 410 regarding whether the user would like to resume navigation according to the generated client-side breadcrumb navigation trail from the last visit.," para. [0040]; "...a first web page (i.e., parent page) to subsequently visited web pages (i.e., child web pages)....," para. [0005]) displaying on each button at least a portion of a label indicating the corresponding network object ("...the generated breadcrumb including navigation information for each downloaded web page....," para. [0014]); and designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button ("...the current web page ...," para. [0032]).

As to dependent **Claim 4**, which depends from Claim 1, *Dovin et al.* further disclose the method of Claim 3 wherein the buttons are arranged along a horizontal row above the status information ("...across the top of the web page running from the left margin to the right margin....," para. [0004]), with the root button at the left and the displayed network object button at the right ("...a first web page (i.e., parent page) to subsequently visited web pages (i.e., child web pages)....," para. [0005]). See also Fig. 5, reproduced below.



As to **Claims 6 and 9**, these Claims differ from Claims 1 and 4, respectively, only in that they are directed to products defined by the processes of Claims 1 and 4, respectively. Accordingly, Claims 6-9 are rejected for the same reasons set forth in the treatment of Claims 1 and 4, respectively.

As to independent **Claim 11**, Dovin et al. describe(s): a method of presenting network object hierarchy information in a network management tool ("...a user of client 104 utilizes the web browser 106 for transmitting a request for a web page 108, which is identified by a Uniform Resource Locator (i.e., "URL"), over the communications network 102 to web server 114..., " para. [0029]), the network management tool for use in managing a communication network having a hierarchy of network objects ("...The depth-emphasizing navigation structure depicts a hierarchical path through the information space from broader categories through more narrower categories through to a final web page, i.e., displaying links from a home page of the Website through a plurality intermediary web pages representing categories (i.e., child web pages) to the current page (i.e., also a child web page) atop the current web page as breadcrumbs, i.e., breadcrumb navigation..., " para.

[0004]), the method comprising the steps of: displaying status information of a displayed, network object on a terminal, the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy ("...depicts all top levels of the Website ...," para. [0004]); displaying an ordered series of a plurality of buttons on the terminal ("...The displayed web page 510 ...," para. [0042]), each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object ("...since the last page represents a web page that is currently displayed...," para. [0005]), the series including at least a displayed network object button corresponding to the displayed network object ("...storing breadcrumbs associated with web pages downloaded to the web browser at the client, updating the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of breadcrumbs associated with navigation of the web pages at the Website; and displaying the breadcrumb navigation trail on each downloaded web page for user selection....," para. [0015]); corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy; instructions for determining when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, ("...If desired, the breadcrumb navigation trail may maintain all breadcrumbs regardless of whether a breadcrumb already appears ...," para. [0030]) and displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive ("subtracting the last

visit date and time from the current date and time and determining whether this result is greater than the revisit time. If the result is greater than the revisit time, the user is prompted at step 410 regarding whether the user would like to resume navigation according to the generated client-side breadcrumb navigation trail from the last visit.," para. [0040]; "...a first web page (i.e., parent page) to subsequently visited web pages (i.e., child web pages)....," para. [0005]) displaying on each button an icon representing a type of equipment of the corresponding network object ("...the generated breadcrumb including navigation information for each downloaded web page...," para. [0014]); and designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button ("...the current web page ...," para. [0032]); and designating a new displayed network object by performing an action selected from the group consisting of selecting a network object displayed in the status information and selecting a button ("...the current web page ...," para. [0032]).

As to independent **Claim 12**, Dovin et al. describe(s): a method of presenting network object hierarchy information in a network management tool, the network management tool for use in managing a communication network having a hierarchy of network objects ("...The depth-emphasizing navigation structure depicts a hierarchical path through the information space from broader categories through more narrower categories through to a final web page, i.e., displaying links from a home page of the Website through a plurality intermediary web pages representing categories (i.e., child web pages) to the current page (i.e., also a child web page) atop the current web page as breadcrumbs, i.e., breadcrumb navigation....," para. [0004]), the method comprising the steps of: displaying status information of a displayed network object on a terminal ("...The displayed web page

510 ..., " para. [0042]), the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy ("...depicts all top levels of the Website ..., " para. [0004]); displaying an ordered series of a plurality of buttons on the terminal ("...breadcrumb navigation trail 514 ..., " para. [0042]), each button corresponding to a network object within the hierarchy and being ordered according to a position. within the hierarchy of the corresponding network object, the series including at least a displayed network object button corresponding to root object of the hierarchy

“...storing breadcrumbs associated with web pages downloaded to the web browser at the client, updating the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of breadcrumbs associated with navigation of the web pages at the Website; and displaying the breadcrumb navigation trail on each downloaded web page for user selection....,”

(para. [0015]); when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, ,("...If desired, the breadcrumb navigation trail may maintain all breadcrumbs regardless of whether a breadcrumb already appears ..., " para. [0030]) and displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive ("subtracting the last visit date and time from the current date and time and determining whether this result is greater than the revisit time. If the result is greater than the revisit time, the user is prompted at step 410 regarding whether the user would like to resume navigation according to the generated client-side breadcrumb navigation trail from the last visit., " para. [0040]); displaying on each button an icon representing the corresponding network object ("...the generated breadcrumb including navigation information for each downloaded

web page...," para. [0014]); and designating a new displayed network object by performing an action selected from the group consisting of selecting a network object displayed in the status information and selecting a button ("...the current web page ...," para. [0032]).

As to dependent **Claim 13**, Dovin et al. describe(s): method of claim 12, wherein each icon is selected from the group consisting of a horizontally pointing arrow and a vertically pointing arrow (See figure 5).

As to dependent **Claim 14**, Dovin et al. describe(s):the method of claim 12, wherein a respective icon is rotated to indicate that the corresponding network object is the displayed network object (See rotated icon on the upper left hand side of figure 5).

As to dependent **Claim 15**, which depends from claim 1, Dovin et al. further disclose that the buttons displayed include the root button, the displayed network object button, and buttons corresponding to network objects progressively higher in the hierarchy than the displayed network object ("...the parent web page 'Home'...", para. [0005])(emphasis added).

As to dependent **Claim 16**, which depends from claim 6 the computer-readable medium of claim 6, wherein the buttons displayed include the root button ("...structure depicts all top levels of the Website ...," para. [0004]), the displayed network object button ("...client's web browser currently is displaying the web page 108...", para. [0038]), and buttons corresponding to network objects progressively higher in the hierarchy than the displayed network object ("...the links are displayed in order from a first web page (i.e., parent page) to subsequently visited web pages (i.e., child web pages)....," para. [0005]).

CLAIM REJECTIONS-35 U.S.C. § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 5 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dovin et al.* (US Pg-Pub 2003/0018665 A1) in view of *Milic-Frayling et al.* (US Pg-Pub 2005/0132018 A1).

As to dependent **Claim 5**, which depends from Claim 1, *Dovin et al.* taught a method of presenting network object hierarchy information in a network management tool ("...a user of client 104 utilizes the web browser 106 for transmitting a request for a web page 108, which is identified by a Uniform Resource Locator (i.e., "URL"), over the communications network 102 to web server 114....," para. [0029]), the network management tool for use in managing a communication network having a hierarchy of network objects ("...The depth-emphasizing navigation structure depicts a hierarchical path through the information space from broader categories through more narrower categories through to a final web page, i.e., displaying links from a home page of the Website through a plurality intermediary web pages representing categories (i.e., child web pages) to the current page (i.e., also a child web page) atop the current web page as breadcrumbs, i.e., breadcrumb navigation....," para. [0004]), the method comprising the steps of: displaying status information of a displayed network object on a terminal ("...The displayed web page 510," para. [0042]), the displayed network object having at least one higher-level network object within the hierarchy ("...depicts all top levels of the Website," para. [0004]); displaying an ordered series of a plurality

of buttons on the terminal ("...breadcrumb navigation trail 514 ...," para. [0042]), each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object ("...since the last page represents a web page that is currently displayed..." para. [0005]), the series including at least a displayed network object button corresponding to the displayed network object ("...storing breadcrumbs associated with web pages downloaded to the web browser at the client, updating the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of breadcrumbs associated with navigation of the web pages at the Website; and displaying the breadcrumb navigation trail on each downloaded web page for user selection....," para. [0015]); displaying on each button at least a portion of a label indicating the corresponding network object ("...the generated breadcrumb including navigation information for each downloaded web page..." para. [0014]); and designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button ("...the current web page ...," para. [0032]).

Dovin et al. do not clearly show the steps of monitoring for a position of a cursor on the terminal coinciding with a button for which only a portion of a label is displayed; and thereby causing the displaying of the label in its entirety.

However, *Milic-Frayling et al.* disclose the monitoring for a position of a cursor on a terminal coinciding with a button for which, only a portion of a label is displayed ("the pointer icon 606 is positioned over or near the identifier or icon for a specified length of time. Thus, hovering can occur when the pointer is adjacent to the identifier," para. [0057]); and while the position of the cursor coincides with a button for which only a portion of a label is displayed, displaying the label in its entirety ("A presenting operation 812 presents a thumbnail of the resource identified by the resource identifier over which the pointer icon was hovered. In one implementation of presenting

operation 812 the thumbnail is retrieved from the navigation history data storage and displayed in the session overview. In an alternative implementation of the presenting operation 812 a cache of previously stored resources is searched for the selected resource. If the selected resource is found in the cache, the contents of the resource are presented in the thumbnail size browser window.," para. [0082]).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the a cursor coinciding with a button to display more information about the button taught by *Milic-Frayling et al.* with the breadcrumb navigation bar of *Dovin et al.* because: (1) both teaching are in the same field of endeavor of presenting network object hierarchy information; (2) both teaching are directed to the same problem of showing breadcrumb navigation trails using bars; and (3) a person of ordinary skill in art pursue would have had good reason to pursue the known solutions enumerated in *Milic-Frayling et al* because they are predictable solutions³.

Specifically, *Milic-Frayling et al.* suggests the advantage and desirability of using the a cursor coinciding with a button to display more information about a button:

Furthermore, users are often confused by such long lists of identifiers because they are not context sensitive, i.e., they do not link the current user's experience or intention with the resources on the list. For example, if the user has recently visited resources A, B, and C, and the user decides to use History to revisit a previously seen resource M from the list, the display of the History typically does not provide an indication of the currently viewed resource, such as a 'you are here' pointer, (e.g., by highlighting the indicator of the currently viewed resource C or recently visited resources A, B, and C). The user cannot easily orientate himself or herself within the resource list and browse or search for the resource identifier. Thus, users frequently waste time searching through such lists. (para. [0006]).

³ As clarified in *KSR*, it's now apparent "obvious to try" may be an appropriate test in more situations than we previously contemplated. When there is motivation: "...to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under §103." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

Fig. 6

RESPONSE TO ARGUMENTS

Applicants argue:

Furthermore, because all breadcrumbs being removed correspond either to a duplicate entry for the current page or to objects below the current page in the hierarchy, these breadcrumbs are not counted when determining the number of objects within the hierarchy between the root object and the displayed object, inclusive. Therefore, their removal will not bring the number of displayed links less than the aforementioned number of objects in the hierarchy. Thus, Dovin does

not contemplate reducing the number of links displayed when the total number of links exceeds the maximum number displayable nor does Dovin contemplate reducing the number of links to less than the total number of objects between the root and current object, inclusive.

The Examiner respectfully disagrees. The scope of the claimed subject matter is defined by the broadest reasonable interpretation that is consistent with the Specification. With that in mind, *Dovin et al.* explains, "...If desired, the breadcrumb navigation trail may maintain all breadcrumbs regardless of whether a breadcrumb already appears ...," (para. [0030]) and displaying the maximum number of buttons including the root button, the displayed network object button, and buttons corresponding to network objects progressively higher than the displayed network object within the hierarchy; ("...a first web page (i.e., parent page) to subsequently visited web pages (i.e., child web pages)....," para. [0005]) displaying on each button at least a portion of a label indicating the corresponding network object ("...the generated breadcrumb including navigation information for each downloaded web page....," para. [0014]); and designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button ("...the current web page ...," para. [0032]).

CONCLUSION

9. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/ Supervisory Patent Examiner, Art Unit 2178	/Samir Termanini/ Examiner, Art Unit 2178
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